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9 **Attorney for Plaintiff, C.S**

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 C.S., by and through his Conservator,) CASE NO.: 08 CV 0226 W (AJB)
13 MARY STRUBLE, on behalf of himself) DECLARATION OF ELLEN DOWD:
14 and all others similarly situated,) PLAINTIFF'S EX PARTE
15) APPLICATION FOR ORDER
16 Plaintiff,) SHORTENING TIME ON MOTION
17) FOR RECONSIDERATION OF
18 v.) ORDER DENYING PLAINTIFF'S
19) APPLICATION FOR TEMPORARY
20) RESTRAINING ORDER (Doc. 4)
21 CALIFORNIA DEPARTMENT OF) [FRCP 59(e); CivLR 7.1(i)(1)]
22 EDUCATION, a State Agency, et al.)
23 Defendant.)
24 Date: To Be Set
25 Time: To Be Set
26 Judge: Hon. Thomas J. Whelan

27 I, Ellen Dowd, declare as follows:
28 1. I am an attorney admitted and in good standing in all of the state and
federal Courts in the State of California, including this honorable court.
2. I am attorney of record for Plaintiff herein, and make this declaration
on behalf of Plaintiff, and all others similarly situated, meanings disabled students
and their parents who have, through a special education due process hearing before
OAH's ALJs, obtained less than complete relief sought, as Plaintiff's Ex Parte
Application for Order Shortening Time on Plaintiff's Motion For Reconsideration

1 of Order Denying Plaintiff's Application For Temporary Restraining Order (TRO),
2 enjoining Defendant, "CDE" from renewing, awarding or otherwise contracting the
3 Interagency Agreement for the provision of special education mediations and due
4 process hearings for the term July 1, 2008-June 30, 2011 with OAH.

5 3. I have personal knowledge of the facts stated herein, and, if called as a
6 witness, I could and would testify competently thereto.

7 4. On March 9, 2008 Plaintiff timely filed a Motion For Reconsideration
8 based upon new evidence.

9 5. The new evidence consists of an exchange of correspondence,
10 amounting to two pages, with one document attached.

11 6. Plaintiff's Memorandum of Points and Authorities filed with the
12 Motion For Reconsideration is 4 pages long.

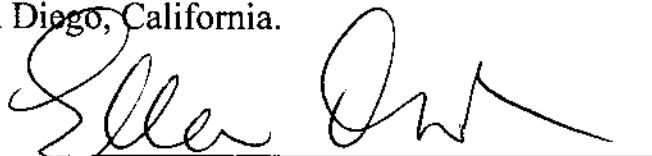
13 7. As the Interagency Agreement entered for the period July 1, 2005-
14 June 30, 2008 is currently being negotiated between OAH and CDE, time is of the
15 essence in preserving the status quo.

16 8. Additionally, advocates and attorneys representing disabled students
17 are meeting with Mary Hudler, CDE's liaison to U.S. Department of Education on
18 May 23, 2008. The status of the TRO, among other things will be reviewed during
19 that meeting.

20 9. In the event that the Court does not rule on this motion *sua sponte*,
21 Plaintiff respectfully requests an expedited Briefing Schedule.

22 I declare under penalty of perjury under the laws of the United States and the
23 State of California that the foregoing is true and correct.

24 Executed on May 9, 2008 at San Diego, California.

25 
26 Ellen Dowd
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